



General Assembly

January Session, 2005

Amendment

LCO No. 6513

SB0012406513SR0

Offered by:

SEN. FREEDMAN, 26th Dist.

REP. BOUCHER, 143rd Dist.

To: Subst. Senate Bill No. **124**

File No. 403

Cal. No. 326

"AN ACT CONCERNING THE MEDICAL USE OF MARIJUANA."

1 Strike sections 1 and 2 in their entirety and substitute the following
2 in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2005*) As used in sections 1 to
4 10, inclusive, of this act, and sections 12a-246, as amended by this act,
5 and 21a-53 of the general statutes, as amended by this act, unless the
6 context otherwise requires:

7 (1) "Marijuana" has the same meaning as provided in section 21a-
8 240 of the general statutes;

9 (2) "Medical use" means the acquisition and distribution, possession,
10 cultivation, use or transportation of marijuana or paraphernalia
11 relating to marijuana to alleviate the symptoms or effects of a
12 qualifying patient's symptoms, but does not include any such use of
13 marijuana by any person other than the qualifying patient. For the
14 purposes of this subdivision, "acquisition and distribution" means the

15 transfer of marijuana and paraphernalia relating to marijuana from the
16 primary caregiver to the qualifying patient;

17 (3) "Physician" means a person who is licensed under the provisions
18 of chapter 370 of the general statutes, but does not include a physician
19 assistant, as defined in section 20-12a of the general statutes;

20 (4) "Primary caregiver" means a person, other than the qualifying
21 patient and the qualifying patient's physician, who is eighteen years of
22 age or older and has agreed to undertake responsibility for managing
23 the well-being of the qualifying patient with respect to the medical use
24 of marijuana, provided, in the case of a qualifying patient lacking legal
25 capacity, such person shall be a parent, guardian or person having
26 legal custody of such qualifying patient;

27 (5) "Qualifying patient" means a person who is eighteen years of age
28 or older and has been diagnosed by a physician as having a terminal
29 medical condition;

30 (6) "Terminal medical condition" means in the final stage of an
31 incurable or irreversible medical condition which will result in death
32 within a relatively short time, in the opinion of the attending
33 physician;

34 (7) "Usable marijuana" means the dried leaves and flowers of the
35 marijuana plant, and any mixtures or preparations thereof, that are
36 appropriate for the medical use of marijuana, but does not include the
37 seeds, stalks and roots of the plant; and

38 (8) "Written certification" means a statement signed by the
39 qualifying patient's physician stating that, in the physician's
40 professional opinion, the qualifying patient has a terminal medical
41 condition and the potential benefits of the medical use of marijuana
42 would likely outweigh the health risks of such use to the qualifying
43 patient.

44 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) A qualifying patient shall

45 not be subject to arrest or prosecution, penalized in any manner,
46 including, but not limited to, being subject to any civil penalty, or
47 denied any right or privilege, including, but not limited to, being
48 subject to any disciplinary action by a professional licensing board, for
49 the medical use of marijuana if:

50 (1) The qualifying patient has been diagnosed by a physician as
51 having a terminal medical condition;

52 (2) The qualifying patient's physician has issued a written
53 certification to the qualifying patient for the medical use of marijuana
54 after the physician has prescribed, or determined it is not in the best
55 interest of the patient to prescribe, prescription drugs to address the
56 symptoms for which the certification is being issued;

57 (3) The amount of marijuana jointly possessed by the qualifying
58 patient and the primary caregiver for medical use does not exceed five
59 marijuana plants and one ounce of usable marijuana; and

60 (4) The cultivation of such marijuana occurs in a secure indoor
61 facility.

62 (b) Subsection (a) of this section does not apply to:

63 (1) Any medical use of marijuana that endangers the health or well-
64 being of another person; and

65 (2) The medical use of marijuana (A) in a motor bus or a school bus,
66 as defined respectively in section 14-1 of the general statutes, as
67 amended, or in any moving vehicle, (B) in the workplace, (C) on any
68 school grounds, (D) at any public park, public beach, public recreation
69 center or youth center or any other place open to the public, or (E) in
70 the presence of a person under the age of eighteen. For the purposes of
71 this subdivision, "presence" means within the direct line of sight of the
72 medical use of marijuana or exposure to second-hand marijuana
73 smoke, or both.

74 (c) A qualifying patient shall have not more than one primary

75 caregiver at any time. A primary caregiver may not be responsible for
76 the care of more than one qualifying patient at any time. A primary
77 caregiver who is registered in accordance with subsection (a) of section
78 3 of this act shall not be subject to arrest or prosecution, penalized in
79 any manner, including, but not limited to, being subject to any civil
80 penalty, or denied any right or privilege, including, but not limited to,
81 being subject to any disciplinary action by a professional licensing
82 board, for the acquisition, distribution, possession, cultivation or
83 transportation of marijuana or paraphernalia related to marijuana on
84 behalf of a qualifying patient, provided the amount of any marijuana
85 so acquired, distributed, possessed, cultivated or transported, together
86 with the amount of marijuana jointly possessed by the qualifying
87 patient and the primary caregiver, shall not exceed five marijuana
88 plants and one ounce of usable marijuana. For the purposes of this
89 subsection, "distribution" or "distributed" means the transfer of
90 marijuana and paraphernalia related to marijuana from the primary
91 caregiver to the qualifying patient.

92 (d) Any written certification for the medical use of marijuana issued
93 by a physician under this section shall be valid for a period not to
94 exceed one year from the date such written certification is signed by
95 the physician."

96 Strike section 7 in its entirety and substitute the following in lieu
97 thereof:

98 "Sec. 7. (NEW) (*Effective October 1, 2005*) A physician shall not be
99 subject to arrest or prosecution, penalized in any manner, including,
100 but not limited to, being subject to any civil penalty, or denied any
101 right or privilege, including, but not limited to, being subject to any
102 disciplinary action by the Connecticut Medical Examining Board or
103 other professional licensing board, for providing a written certification
104 for the medical use of marijuana if:

105 (1) The physician has diagnosed the qualifying patient as having a
106 terminal medical condition;

107 (2) The physician has explained the potential risks and benefits of
108 the medical use of marijuana to the qualifying patient and, if the
109 qualifying patient lacks legal capacity, to a parent, guardian or person
110 having legal custody of the qualifying patient; and

111 (3) The written certification issued by the physician is based upon
112 the physician's professional opinion after having completed a full
113 assessment of the qualifying patient's medical history and current
114 medical condition made in the course of a bona fide physician-patient
115 relationship."